

HIGH-SPEED GROUND TRANSPORTATION

JULY 21, 1965.—Ordered to be printed

Mr. LAUSCHE, from the Committee on Commerce, submitted the following

REPORT

[To accompany S. 1588]

The Committee on Commerce, to whom was referred the bill (S. 1588) to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

INTRODUCTION

S. 1588 authorizes the Secretary of Commerce to undertake research and development and to contract for demonstrations in high-speed intercity ground transportation as well as to secure transportation data, statistics, and other information for the improvement of the national transportation system. The program is limited to 3 years and a total cost of \$90 million. The purpose of the bill is to authorize the Secretary to carry out these activities relating to the development of high-speed ground transportation, thereby contributing to the improvement of the national transportation system. The long-range goal of this bill is to determine how public transportation funds can be most effectively invested.

NEED FOR PROPOSED LEGISLATION

Modern intercity surface transportation service is vital to both our national economic growth and to our national defense. To meet America's transportation needs, we must bring scientific and technical talent to bear on this increasingly important area of transportation, not previously subject to intensive, continuing inquiry. This bill will enable the power of science and technology, demonstrated so well in the evolution of air and highway travel, to be utilized in the development of high-speed ground transportation.

By the end of the 20th century, the Nation's metropolitan population will double, and homes, highways, and other facilities must be provided equal to all those built since our country was first settled. The increasing density of population, together with greatly increased travel, will result in serious overburdening of our intercity transportation facilities.

In the last 50 years, intercity freight tonnage has risen four times, and passenger travel has increased 25-fold. In 1960, Americans traveled over 600 billion passenger miles, exclusive of local trips. That figure will more than double by 1980.

The intercity transportation problem has been sharpened by the pronounced shift of population toward metropolitan areas that has taken place in the United States in the last two decades. In the northeast corridor, for example, population density is today 854 people per square mile. This population density is expected to rise to about 1,100 by 1980. In some major areas of the corridor population densities presently exceed 4,200 per square mile. Other regions of the Nation will have become almost as densely populated by 1980, when as much as 76 percent of our population may live in metropolitan areas.

The northeastern corridor extending from Maine to Virginia; Seattle-Tacoma-Portland; the east coast of Florida; Milwaukee-Chicago-South Bend-Cleveland; San Francisco-Los Angeles, and other thickly populated areas face the prospect of critical intercity transportation problems which require the application of advanced technology to ground transportation systems.

National research and development in high-speed ground transportation has been quite meager. For example, while aircraft manufacturers spent \$379 million in 1961 on research and development, railroad equipment suppliers accounted for \$15 million. The Federal Government in fiscal year 1963 spent for research and development in aviation, \$275 million; in highways, \$24 million; in water transportation, \$15 million; and in demonstrations of local metropolitan rail transit facilities by the Housing and Home Finance Agency, \$7 million.

In 1962, Senator Pell suggested that steps be taken to provide high-speed intercity rail service in the densely populated megalopolis stretching from Washington, D.C., to Boston, Mass. Senator Pell introduced at that time and reintroduced in the 88th Congress, a bill authorizing the negotiation of an eight-State public authority to provide such service. Thereafter, an interagency task force was assigned by President Kennedy to survey this problem. The task force concluded that a systematic evaluation of the transportation needs of the northeast corridor should be made before any sizable amount of public capital investment funds were committed. This study contemplated a careful weighing of social benefits against economic costs for various proposed systems, and combinations of systems.

Preliminary appraisals by the Department of Commerce turned up a number of problem areas. The Department found that there are major gaps in the available information about how people and goods move, and a lack of data on the demand for a high-quality intercity rail service.

The term "high-speed ground transportation" as used in the proposed legislation means the movement of people and goods, by land, on special purpose rights-of-way, along which vehicles are guided.

The important characteristic of this kind of transportation is its capability for moving large volumes of passenger and freight traffic, while imposing relatively low requirements for space. Another advantage is its high reliability under adverse weather conditions. The conventional railroad is the only existing form of high-speed ground transportation now in commercial operation, under this definition of the term.

The proposed legislation is not designed to benefit or to concentrate solely on one particular kind of transportation. Wholly new kinds of vehicles, guideways, and operational and control systems may evolve from concentrated technological research in high-speed ground transportation. Such results can be foreseen within the scope of present and foreseeable technology. A new high-speed ground transportation system could differ radically from passenger trains and railways as we know them today.

The President's proposal embodied in the present measure would attack our intercity transportation problem on three basic fronts:

1. Research and development in different forms of high-speed ground transportation, including railroad;
2. Demonstration projects to measure public response to improvements in intercity rail passenger service utilizing present technology; and
3. A national program to improve the scope and availability of transportation statistics.

The research and development activity to be carried out under the proposed legislation would be accomplished in cooperation with all relevant elements of our present transportation system, whether privately or publicly owned and operated.

The initial demonstration projects utilizing present railroad technology would be conducted with Federal participation. Such projects would involve relatively low-cost improvements in present rail service for the purpose of measuring market response to higher rail speeds, variation in fares, greater travel comfort and convenience, and more frequent service.

The transportation data and statistics that would be collected are essential in arriving at sound policy decisions in the future regarding high-speed ground transportation as well as other decisions on the improvement of the national transportation system. This program would (a) collate data collected by diverse Federal agencies, (b) collect new data to fill specific information voids, and (c) systematize and make accessible to a broad range of users transportation statistics of many different kinds.

Enactment of the proposed legislation would provide a forceful statement that cooperation by the Federal Government in research and development of high-speed ground transportation is in the public interest. The committee anticipates that the work performed during the next 3 years will be sufficient to permit decisions to be made concerning future activities in high-speed ground transportation. Clearly there could continue to be a need for carrying on fundamental research and development in ground transportation systems as well as to continue collection of adequate transportation statistics. There could also be a basis for pioneering development of new ground transportation systems in the northeast corridor and in other areas of the Nation. Our transportation network represents nearly one-fifth of our gross national product. Measured against this huge contribution to our

economic wealth, the authorization under the proposed legislation of \$90 million for a high-speed ground transportation program would be a relatively modest, but meaningful, investment that will yield a very significant return to our country.

SECTION-BY-SECTION ANALYSIS

The committee is reporting an amendment in the nature of a substitute for the bill recommended by the President. The original measure was unnecessarily broad permitting Federal involvement without specific guidelines or fiscal limitations. The committee amendment remedies these defects by providing greater definition with respect to the program, as explained in the following section-by-section analysis.

Section 1.—This section would authorize the Secretary of Commerce, consistent with the objective of promoting a safe, adequate, economical, and efficient transportation system, to undertake research and development in high-speed ground transportation, including, but not limited to components such as materials, aerodynamics, vehicle propulsion, vehicle control, communications, and guideways.

This would supplement the Department's general authority under present law to foster, promote, and develop the transportation facilities of the United States by providing clear congressional recognition of the importance of the program and support for the expenditures involved.

The committee intends that the research and development include, but not be limited to, components such as materials, aerodynamics, vehicle propulsion, vehicle control, communications, and guideways. In the explanatory statement submitted to the committee, the Department of Commerce indicated 12 areas of research and development which have potential for improvement of rail transportation: (1) the dynamics of wheel-rail interaction; (2) the dynamics of soil mechanics; (3) suspension systems; (4) propulsion development; (5) aerodynamics; (6) automated freight yards; (7) optimum train lengths; (8) consistent delivery times; (9) speeding passenger handling; (10) containerization; (11) visual test of brakes; and (12) rail materials.

The explanatory statement submitted by the Commerce Department also indicated nine areas of research and development which have potential for high-speed ground transportation: (1) vehicle aerodynamics; (2) vehicle propulsion—general; (3) vehicle propulsion—electric; (4) vehicle-guideway interactions; (5) guideway structures; (6) human factors; (7) computer control; (8) dynamics and control of vehicle groups; and (9) communications.

The committee believes that research and development must compare evolutionary improvements in the existing railroad system to much more radical and longer term developments. The committee concurs in the statement of the Department of Commerce witness who indicated that before commitments should be made to large transportation systems, perhaps of a rail variety or perhaps of some other kind of system, a careful program of research and development should be inaugurated to push forward the technology—the state of the art—in transportation.

The Secretary of Commerce indicated in his testimony that the results of the research and development program will be applicable

to all parts of the Nation, and that some activities will be conducted in various parts of the country. The Secretary contemplated that this research and development will be done basically under contracts with private organizations. He assured the committee that the Department would apply in its contractual arrangements for research and development the directives contained in the Presidential Executive order that is presently in effect with respect to the patentable discoveries and inventions emerging from Government-financed contracts.

Section 2.—This section would authorize the Secretary to contract for demonstrations in high-speed ground transportation for the purpose of contributing to the development of more efficient and economical intercity transportation systems. These demonstrations shall be designed to measure and evaluate such factors as the public response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service.

For a relatively modest investment by the Federal Government, with financial participation of private industry to the maximum extent practicable as determined by the Secretary, rail service can be improved measurably in the northeast corridor in terms of comfort and convenience and reduced transit time en route. The demonstration tests should give a good indication of the results of more far-reaching improvements. The committee concurs in the testimony of the Secretary that such tests are essential before any commitments are made to major public investment for high-speed ground transportation in the northeast corridor. The Secretary assured the committee that he was not advocating indefinite continuation of the demonstration program; and that once answers are available from the demonstration, then these answers could be taken into consideration in proposing a long-term program.

If this proposed legislation is enacted, the Department has under consideration demonstration projects on both the Pennsylvania and New Haven Railroads. While not yet certain, it appears likely that on the Pennsylvania schedule time between Washington and New York (226 miles) can be reduced to below 3 hours. This run now takes from 3 hours and 35 minutes to 4 hours and more.

The proposed demonstrations on the Pennsylvania Railroad would involve the acquisition of a fleet of up to 50 new individually motored, electrically propelled cars incorporating advanced standards in riding quality, and passenger comforts. These cars would be capable of speeds up to 150 miles per hour. The Department has not determined the equipment requirements for the demonstration north of New York on the New Haven Railroad. A Department witness indicated that on the Boston-Providence segment of the line a gas turbine, self-propelled car might be put in operation in high frequency service. The witness pointed out that if this demonstration proved the success of such a vehicle, it could have importance for operations all around the country where the density of traffic is light.

In view of the experimental nature of these demonstration projects, the Department does not contemplate the replacement in its entirety of present equipment on the corridor route. The new equipment is proposed to be operated at varying times of the day to test the effect of scheduling.

These demonstrations are intended by the Department to be only tests of the market for transportation. The Secretary made clear in his testimony that they would not involve the Federal Government in any commitment to furnish or subsidize intercity rail passenger service, or the plants and equipment of the railroads. These demonstration projects would be carried on by the railroads as a regular part of their service. Federal funds would be expended to cover part of the cost of new equipment during the test period only, and for statistical operations necessary to measure public response. Section 2 provides that contracts for demonstrations under this section shall make provision for financial participation of private industry to the maximum extent practicable as determined by the Secretary of Commerce. The witness for the Pennsylvania Railroad indicated that his railroad proposed to spend between \$9.5 and \$10 million in connection with the demonstration project to upgrade their right-of-way and so forth. They anticipated operating the new cars in trains ranging from 4 to 10 cars alternately with present equipment, every other hour. The witness anticipated that with this modern high-speed operation there would be a very substantial increase in patronage on these trains, and that the demonstration would be a success.

The Secretary indicated in his testimony that he anticipated the actual demonstration would probably go on for a period of a year to 18 months and that there would be trains running every 2 hours from Washington, and with the same frequency from New York each day. The Department believes that this improved service on the Pennsylvania Railroad would provide enough of a change, and enough improvement in passenger amenities to measure the extent of response of passengers to these changes in service. During the actual demonstration of improved service, statistical tests would be conducted to find out what are the changes in the pattern of passenger utilization. After the determination of passenger response has been made, the demonstrations would cease. The Secretary assured the committee that it was not contemplated that the money authorized under this bill would be used for the subsidization of reduced fares, that is, fares below the level of a fair return on out-of-pocket expenses.

While the demonstration projects would be confined to the northeast corridor, the results of the tests would have applicability to other corridors such as Seattle-Tacoma-Portland, the east coast of Florida, Milwaukee-Chicago-South Bend-Cleveland, and San Francisco-Los Angeles. The test results the committee believes will be of great significance for other parts of the country which could similarly be benefited by high-speed intercity ground transportation.

Section 3.—This section authorizes the Secretary to collect and collate transportation data, statistics, and other information which he determines will contribute to the improvement of the national transportation system. Such data is considered essential in arriving at sound policy decision in the future regarding high-speed ground transportation as well as other decisions on the improvement of the national transportation system. Present statistical programs do not fully meet these needs. For example, origin and destination data on travel and more complete and accurate information on travel patterns during periods of peak use are needed.

The Secretary indicated in his testimony that this section would enable the development of a national program for the improvement of transportation statistics. He pointed out that it is necessary to acquire knowledge of present transportation patterns and preferences in order to predict future transportation needs and to ascertain the most efficient ways of meeting them. A fundamental requirement in any effort to develop an efficient and productive national transportation system is that the needs of travelers and shippers must be defined and measured. These tasks should be approached prior to the commitment of public or private investments of large dimensions.

At present, seven Federal agencies carry on major transportation data collection programs. A number of other agencies collect transportation statistics in some form. These programs are conducted by the various agencies largely to fulfill the regulatory or operating missions of the collecting organizations.

The Secretary of Commerce already has broad authority to gather and distribute statistical information relating to the fostering, developing, and promoting of the transportation facilities of the United States. The proposed measure is not intended to limit the existing authority of the Secretary of Commerce to gather and distribute statistical information, or any other existing grants of authority, in any way.

The Secretary testified the proposed provision is necessary because existing programs do not meet the requirements of a large number of users, especially those charged with responsibility for public investment policy. He recommended a program by the Department of Commerce which would (a) collate data collected by diverse Federal agencies, (b) collect new data to fill specific information voids, and (c) systematize and make accessible to a broad range of users transportation statistics of many different kinds.

The Secretary emphasized in his testimony that the statistical work necessary for these purposes will be done in the Department of Commerce only to the extent that needed data are not available from other Government agencies or private sources. The committee added to section 3 a provision that in carrying out this activity, the Secretary shall utilize the statistics and data available from Federal agencies and other sources to the greatest practicable extent. The committee looks with favor upon the statement of the Secretary that by a carefully and systematically developed information system, the reporting requirements presently imposed upon the transportation industry could be reduced, and expects him to pursue this goal throughout the program.

The statistical program to be authorized under this section would not be confined to the northeast corridor, but would be national in scope. Further, the Secretary assured the committee that the statistical program would not duplicate anything being done by any other Government agency, and would not impose additional reporting requirements on the carriers that are already reporting to one of the other agencies.

Section 3 of the bill also provides that the information collected under the statistical program shall be made available to other Federal agencies and to the public insofar as practicable.

Section 4.—This section provides that in carrying out the purposes of section 2 of S. 1588, the Secretary shall provide fair and equitable arrangements, as determined by the Secretary of Labor, to protect

the interests of railroad employees involved in operations which are the subject of such demonstrations. This section also sets forth the items which such protective arrangements shall include. These arrangements protecting these individual employees against a worsening of their positions with respect to their employment as the result of such demonstrations shall in no event provide benefits less than those established pursuant to section 5(2) (f) of the Interstate Commerce Act. It is further provided that contracts entered into for demonstration projects authorized under section 2 of this bill shall specify the terms and conditions of the protective arrangements.

Labor protective conditions were included in section 10(c) of the Urban Mass Transportation Act of 1964 (Public Law 88-365). The Interstate Commerce Act in section 5(2)(f) provides that the Commission as a condition of its approval of any combination or consolidation of carriers shall require a fair and equitable arrangement to protect the interests of the railroad employees affected.

The labor protective conditions in section 4 are limited to demonstration projects authorized under section 2 of the bill. The Department of Commerce has advised the committee that railroad employees would not be affected by research and development activities, and the collection of statistics, which are provided for in sections 1 and 3 of the bill as reported. The views of the Department of Commerce are printed in full in the agency comments later in this report.

The witness for the railroad brotherhoods asked for somewhat broader coverage than is contained in the language of section 4. The Department of Commerce noted, however, that any new service would be operated by the Pennsylvania and New Haven Railroads entirely in accord with their existing agreements with railway brotherhoods and unions. It was further pointed out that both railroads may at any time provide the service contemplated in the demonstration projects without the need for changes in work rules or the involvement of any Federal agency, except as to safety considerations. It should be noted that the bill contains an expiration date of June 30, 1969, by which time the demonstration projects and other provisions of the bill, except statistical collection, must terminate.

The committee believed that such protection should be provided to those railroad employees who would be involved in the demonstration projects. The language of section 4 provides protection to the individual employees involved in operations which are the subject of such demonstrations. The committee intends that the rights of individuals be protected, but not that jobs should be preserved in perpetuity. The committee considers that the program authorized under S. 1588 will further the development of high-speed ground transportation to the long-run benefit of employees who have devoted their lives to the railroad industry.

Section 5.—This section authorizes the Secretary to lease, purchase, develop, test and evaluate new facilities, equipment, techniques, and methods and conduct such other activities as may be necessary in exercising his authority granted in section 1 (research and development) and section 2 (demonstrations). In his testimony, the Secretary construed this authority to lease, purchase, et cetera, as being limited to carrying out the objectives of research and development, and demonstration projects. He noted that it did not grant authority for the purchase of right-of-way, other than strictly for research and development purposes. The committee concurs in this interpre-

tation. The language set forth in section 5 of the bill as reported by the committee spells out the authority to be granted to the Secretary.

Section 6.—This section authorizes the Secretary to enter into agreements and to contract with public or private agencies, institutions, organizations, corporations, and individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5). Section 3648 prohibits advanced payments to contractors. Section 3709 required advertising for proposals from prospective contractors. The Secretary testified that these two provisions apply primarily to production and procurement type contracts which are let on a bid basis and no advance payments are allowed. He pointed out that these provisions seem inappropriate for research and development activities.

Exemption from these two requirements is sought by the Department to enable the selection of the organization that in the Secretary's judgment is best qualified to undertake the particular research and development activity, and to allow a contract to be entered into with that organization without advertising for competitive bids. The Department might also wish to make advance payments to an organization. This would be particularly appropriate, according to the Secretary, if the organization selected is an educational institution, because such institutions often do not have the financial resources to put up the money in its entirety and then to receive reimbursement.

This section would also authorize the Secretary to appoint, subject to the civil service laws and regulations, such personnel as may be necessary to enable him to carry out efficiently his functions and responsibilities under the act. In addition, the Secretary is further authorized to procure services as authorized by section 15 of the act of August 3, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$100 per diem, unless otherwise specified in an appropriations act. The Secretary indicated that this language would allow the Department to not only employ needed personnel under the civil service requirements, but also to retain specialized personnel and experts on a consulting basis.

Section 7.—This section provides that in exercising the authority granted under this act, the Secretary shall consult and cooperate, as he deems appropriate, with the Administrator of the Housing and Home Finance Agency and other departments and agencies, Federal, State, and local. This section further provides that the Secretary shall consult and cooperate, as he deems appropriate, with institutions and private industry.

Section 8.—This section provides that the Secretary shall report to the Congress and the President the results of his evaluation of the research and development program and the demonstration program authorized by this bill. It further provides that the Secretary shall make recommendations with respect to such future action as may be appropriate in light of these results and the objective of promoting a safe, adequate, economical, and efficient transportation system.

Section 9.—This section authorizes to be appropriated such sums as may be necessary to carry out the purposes of the proposed legislation, not to exceed \$20 million for the fiscal year ending June 30, 1966; \$35 million for the fiscal year ending June 30, 1967; and \$35 million for the fiscal year ending June 30, 1968. It is further provided that

such appropriations, when so specified in an appropriation act, shall remain available until expended. In his testimony, the Secretary indicated that the sums specified were the Department's best estimate at the moment for the program as now contemplated.

Section 10.—This section provides that the proposed legislation shall expire on June 30, 1969, except for section 3 (statistical collection program). Section 10 further provides that the termination of this act shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into pursuant to this act prior to the date of such termination. The committee deemed it desirable to include a termination date. The date selected, June 30, 1969, would provide sufficient time for the completion of research and development and demonstration programs, as well as the submission of reports, under this bill. No termination date is provided as to section 3, which authorizes the collection and collating of transportation data, statistics, and other information inasmuch as the Secretary presently has broad authority to gather and distribute statistical information relating to the transportation facilities of the United States.

AGENCY COMMENTS

The comments of the agencies and departments received by the committee follow (all agencies and departments supported the bill except the Comptroller General who made no recommendation). Included also are the comments of the General Counsel of the Department of Commerce concerning railroad labor protective conditions.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 27, 1965.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: We have your letter of March 23, 1965, asking for our comments on S. 1588.

The aim of S. 1588 is the improvement of the national transportation system in the area of intercity ground transportation. To that end, the bill would vest in the Secretary of Commerce authority to undertake research and development in high-speed ground transportation. The Secretary, in carrying out this function, would be empowered to make contracts and agreements with public and private organizations and individuals, to procure the services of consultants, and to appoint necessary personnel subject to civil service laws and regulations. The bill also provides for consultation with the Administrator of the Housing and Home Finance Agency (who is charged with administration of the Urban Mass Transportation Act of 1964, 49 U.S.C.A. 1601 et seq.) and with other appropriate departments and agencies.

In the long range, the benefits of the research and development proposed in S. 1588 would accrue to the Nation as a whole. They apparently would be felt sooner than elsewhere, however, in the so-called megalopolitan northeast corridor, stretching between Boston, Mass., and Washington, D.C., and by other heavily urbanized areas. Possibly, some responsibility in this field should be assumed by interested States and the expenditure of Federal funds as contem-

plated in S. 1588 might be made contingent upon the establishment of a coordinated program partially supported by those States through contributions of money and other resources. Legislation such as here proposed however, if enacted, would not directly affect the operations of our Office, and we make no recommendation as to its consideration by your committee.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., April 2, 1965.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department concerning S. 1588, a bill to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes.

S. 1588 is for the same purpose as the draft bill transmitted to the Congress by the President on March 4, 1965. The Department of Commerce urges early enactment of S. 1588 for the reasons set forth in the President's letter and in the statement of purpose and need for the legislation submitted with the President's letter.

We have been advised by the Bureau of the Budget that enactment of S. 1588 would be in accord with the program of the President.

Sincerely,

ROBERT E. GILES.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., April 6, 1965.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense with respect to S. 1588, 89th Congress, a bill to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes.

The purpose of the bill is to authorize the Secretary of Commerce to carry out activities relating to the development of high-speed ground transportation thereby contributing to the improvement of the national transportation system.

The Department of Defense is interested in a strong, reliable national transportation system for both freight and passengers. Accordingly, the enactment of S. 1588 is recommended.

The Bureau of the Budget advises that the enactment of S. 1588 would be in accord with the President's program.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., May 20, 1965.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1588, a bill to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation.

The bill would authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation for purposes of improving the national transportation system. It envisages the use of the power of science and technology to improve ways of transporting people and goods safely, reliably, and economically over relatively short distances in densely populated areas.

President Johnson requested this bill be introduced. His letter to Congress stated:

"It is clear that we should explore the feasibility of an improved ground transportation system for such heavily traveled corridors. The program outlined by the Secretary of Commerce calls for research on materials, aerodynamics, vehicle power and control, and guideways. Information requirements for regional studies and evaluations are to be defined and the necessary data collected. We must learn about travel needs and preferences, in part through the use of large-scale demonstration projects. New methods of analyzing the problem will be developed to give adequate consideration to the large number of regional and local characteristics which influence the performance, acceptability, and cost of all kinds of systems."

The Department of Justice favors enactment of S. 1588 because of the need to carry on fundamental research and development in ground transportation in order to improve the Nation's transportation system.

The Bureau of the Budget has advised that the enactment of this bill is in accord with the program of the President.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

FEDERAL AVIATION AGENCY,
Washington, D.C., June 16, 1965.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The following are the views of the Federal Aviation Agency on S. 1588, a bill to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes.

We favor the enactment of this legislation. It represents a part of a major effort on the part of the Government to see to it that a transportation system is developed which will be adequate to meet the needs of the people and the commerce of this Nation.

The high-speed ground transportation project will not be in competition with our efforts to foster and encourage air commerce. The

contrary is true. Ground transportation supports and complements our air transportation system. In fact, the usefulness and attractiveness of air transportation is coming more and more to depend on ground transportation systems capable of moving the air passenger quickly between the airport and the city. The ground travel time for the air passenger on a given trip sometimes equals or exceeds the air travel time.

Of all the modes of transportation comprising the national transportation system, high-speed ground transportation is the most undeveloped. The progress we have made in air transportation during the relatively short span of its existence has been due in large part to a heavy emphasis in our industry on research and development programs. The R. & D. program which these bills would authorize would begin such a program for high-speed ground transportation, and we recommend a substantial R. & D. program as essential to provide a basis on which to build a high-speed system.

There are, of course, other research projects underway which will contribute to a solution of the problem of moving people quickly from city center to city center. We have been working on the development of vertical and short-takeoff aircraft. A complete answer to the problem will not be found in the utilization of only one mode of transport and these research projects should proceed simultaneously.

Section 2 of this bill authorizes collecting of transportation data for the improvement of the national transportation system. There has never been adequate information or data available to properly assess and evaluate the country's total transportation system. We do not know, for example, the exact volumes of people and goods moving from point to point and the characteristics of this traffic, nor the reasons why it moves, nor the costs involved. Unless we obtain answers to these and a host of other questions, we run the risk of funding, designing, and developing systems with characteristics which do not best meet the needs of our traffic. With adequate facts, we have a much better prospect of developing the most efficient and effective air, highway, rail, and water transportation systems.

The Bureau of the Budget has advised that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely,

N. E. HALABY, *Administrator.*

HOUSING AND HOME FINANCE AGENCY,

OFFICE OF THE ADMINISTRATOR,

Washington, D.C., May 24, 1965.

Subject: S. 1588, 89th Congress (Senator Magnuson and others).

Hon. WARREN MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for our views on S. 1588, a bill to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes.

This Agency recommends enactment of S. 1588.

As the President has pointed out, the research and development authority proposed in the bill would help to bring scientific and technical talent to bear on an increasingly important problem area of our national transportation system.

We are pleased to note that the bill provides for consultation and cooperation between the Secretary of Commerce and the Housing Administrator. The proposed research and development will be closely related to intraurban transportation research and development assisted by this Agency under the Urban Mass Transportation Act of 1964. We anticipate that the two programs would be able to provide each other considerable mutual benefit.

We have been informed by the Bureau of the Budget that the enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

ROBERT C. WEAVER, *Administrator.*

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., July 20, 1965.

HON. WARREN G. MAGNUSON,
*Chairman, Commerce Committee,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the Department's views on the proposed amendment to S. 1588 (attachment I).

Railway labor unions have expressed concern about the effect on them of projects carried on under S. 1588, which provides for research and development in high-speed ground transportation. Present plans are that the demonstration part of the program would involve the provision of improved, and, to some degree, new service by the Pennsylvania and New Haven Railroads. Employees of both companies obviously would be involved. However, it is quite clear that they would not be involved and thereby not affected by research and development activities, and the collection of statistics, which are provided for in sections 1 and 3 of Committee Print No. 2. We do not understand that the intention of attachment I is to apply its terms to persons engaged in research and development and in the collection and analysis of statistics.

The demonstration projects would involve the operation by the railroads of new equipment on the main line between Washington and New York by the Pennsylvania Railroad, and on the main line between Providence and Boston by the New Haven Railroad. We do not anticipate that any new devices would be used that would change existing conditions of employment. Any new service would be operated by these two railroads entirely in accord with their existing agreements with railway brotherhoods and unions. Both railroads may, of course, at any time provide the service contemplated in the demonstration projects without the need for changes in work rules or the involvement of any Federal agency (except for usual safety considerations). While the Department would be primarily involved in contracts with the Pennsylvania and New Haven Railroads, it may

wish to contract for some ancillary services as part of the demonstration projects. These, however, would not involve terms and conditions of railroad employment. A further significant point is that the demonstration projects must end, under the terms of the bill before you, by June 1969. In the light of these considerations, we believe that the proposed amendment is unnecessary.

However, if the committee feels that an amendment is desirable, we suggest the language shown in attachment II. This language provides protection to those railroad employees who would be involved in the demonstration projects. It excepts the research and development and statistics projects from coverage by the amendment.

The Bureau of the Budget has cleared this letter and the proposed amendment as stated in attachment II.

Sincerely yours,

ROBERT E. GILES,
General Counsel.

[Attachment I]

"In carrying out the purposes of this Act, the Secretary shall provide fair and equitable arrangements, as determined by the Secretary of Labor, to protect the interests of employees affected by the exercise of the authority conferred by this Act. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; and (4) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379), as amended. Contracts and agreements entered into pursuant to the provisions of sections 1 and 3 hereof for the purpose of developing, testing or demonstrating new facilities, equipment, techniques and methods shall specify the terms and conditions of the protective arrangements."

[Attachment II]

Section 4 of S. 1588 (Committee Print No. 2, dated July 13, 1965) shall be redesignated section 5, all subsequent sections appropriately renumbered, and a new section 4 inserted as follows:

"SEC. 4. In carrying out the purposes of section 2 of this Act, the Secretary shall provide fair and equitable arrangements, as determined by the Secretary of Labor, to protect the interests of railroad employees involved in operations which are the subject of such demonstrations. Such protective arrangements shall include, without being limited to,

such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective bargaining agreements, or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment as the result of such demonstrations, (4) assurances of priority of reemployment of employees terminated or laid off, and (5) paid training or retraining programs. Such arrangements shall include provisions protecting these individual employees against a worsening of their positions with respect to their employment as the result of such demonstrations which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379), as amended. Such contracts entered into pursuant to the provisions of section 2 of this Act shall specify the terms and conditions of the protective arrangements."

CHANGES IN EXISTING LAW

There are no changes in existing law:

